

## **REMARKS**

**[0004]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-38, 40-60, 71 and 73 are currently pending
- Claims 39, 61-69, 72, 74 and 75 are canceled herein
- Claims 35, 38, 41, 42, 44-47, 53, 60, 71 and 73 are amended herein

**[0005]** Independent claims 35, 71 and 73 are amended to include allowable subject matter in independent claim 1.

### **Allowed Claims**

**[0006]** The Office Action indicates that claims 1-34 are allowable. Applicant would like to thank the Examiner for allowing claims 1-34. These claims have not been amended herein, and therefore remain in condition for allowance.

### **Claims 35-69 and 71-72 Recite Statutory Subject Matter Under § 101**

**[0007]** Claims 35-69 and 71-72 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection. Moreover, claims 39, 61-69 and 72 have been canceled herein without prejudice or disclaimer, thereby rendering the rejections of these claims moot.

**[0008]** Applicant submits that independent claim 35, as amended, recites a method executing on hardware as supported by the specification as originally filed including

Figure 11. Therefore, Applicant submits that the rejection of this claim is moot and respectfully requests that the Examiner withdraw the rejection of this claim.

**[0009]** Furthermore, Applicant submits that independent claim 71 recites a “computer-readable storage medium.” The Examiner rejects this claim on the basis that program storage mediums “encompasses a carrier wave or transmission medium (carrier waves store data for the duration of transmission over a period of time and is thus storage);” (OA page 2). Applicant respectfully disagrees. Furthermore, Applicant submits that the specification of this Application discloses no such carrier waves or transmission mediums. Therefore, Applicant submits there is no basis for the rejection of this claim, and accordingly requests the Examiner withdraw the rejection of this claim.

#### **Cited Documents**

**[0010]** The following documents have been applied to reject one or more claims of the Application:

- Bates: Bates, et al., U.S. Patent No. 6,779,021
- Wilson: Wilson, U.S. Patent Application Publication No. 2004/0015554

#### **Bates Fails to Anticipate Claims 35-69 and 71-75**

**[0011]** Claims 35-69 and 71-75 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Bates. Applicant respectfully traverses these rejections. Moreover, for the sole purpose of expediting an allowance in this matter and without commenting on the propriety of the Office's rejections, Applicant amends independent claims 35, 71 and 73 by incorporating the allowable subject matter of claim 1, as indicated by the Examiner (OA cover page). Furthermore, Applicant cancels claims 39, 61-69, 72, 74 and 75 without prejudice or disclaimer. Applicant respectfully submits that

these amendments and the subsequent cancelation of claims renders the § 102(e) rejections moot, and respectfully requests the Examiner to withdraw these rejections.

### **Wilson Fails to Anticipate Claims 61-69 and 74**

[00012] Claims 61-69 and 74 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Wilson. Applicant respectfully traverses these rejections. Moreover, for the sole purpose of expediting an allowance in this matter and without commenting on the propriety of the Office's rejections, Applicant cancels claims 61-69 and 74 without prejudice or disclaimer, thereby rendering these § 102(e) rejections moot.

### **Conclusion**

[00013] Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned representative for the Applicant before issuing a subsequent Action.

Respectfully Submitted,

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